

REMARKS

Claims 2, 9, 16-17, and 19 have been amended. Support for the proposed amendments may be found, for example, in lines 10-19 on page 13 of the Patent Application. No new matter has been added. Pursuant to these amendments, claims 2, 4-9, and 11-22 are pending in the present application.

In the Office Action, claims 2, 9, and 16-19 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sher (U.S. Patent Application Publication 2004/0010623). Claims 4, 8, 11-12, and 20-22 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sher in view of Leatherbury (U.S. Patent Application Publication No. 2002/0136231). Claims 5-7 and 13-15 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sher in view of Dutta (U.S. Patent No. 6,587,443). Pursuant to the amendments indicated herein, the Examiner's rejections are respectfully traversed.

Sher describes a technique that allows each user (*i.e.*, each access terminal) of a shared channel to be granted access to the shared channel at a particular time. The user can estimate the transmission time and use this estimate to perform processing of packets so that the packets are ready for transmission at the granted time. However, Sher does not describe or suggest base stations that can estimate delays between signals received from different users and use these estimated delays to schedule the users for transmission.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Sher and requests that the Examiner's rejections of claims 2, 9, and 16-19 under 35 U.S.C. § 102(e) be withdrawn.

Moreover, Applicants respectfully submit that the present invention would not have been obvious over the prior art of record. A finding of obviousness under 35 U.S.C. § 103 requires a

determination of the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed subject matter and the prior art, and whether the differences are such that the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. *Graham v. John Deere Co.*, 148 USPQ 459 (U.S. S.Ct. 1966). To determine whether the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made, one should determine whether the prior art reference (or references when combined) teach or suggest all the claim limitations. Furthermore, it is necessary for the Examiner to identify the reason why a person of ordinary skill in the art would have combined the prior art references in the manner set forth in the claims.

As discussed herein, Sher does not describe or suggest base stations that can estimate delays between signals received from different users and use these estimated delays to schedule the users for transmission. Leatherbury describes transmitting a signal that identifies a time as a function of a synchronizing signal. Dutta describes relative delays between signals. However, neither of the secondary references remedies the fundamental deficiencies of Sher. Applicants therefore respectfully submit that the prior art of record fails to teach or suggest all the limitations set forth in the pending claims (as amended herein).

Applicants further submit that the Examiner has not provided any reason why a person of ordinary skill in the art would have been motivated to combine and/or modify the cited references to arrive at the claimed invention. To the contrary, Sher teaches that the different terminals calculate when processing of input data must begin in order to complete the data processing by the time that access to the shared media has been granted to the corresponding terminal. See Sher, paragraph [0040].

For at least the aforementioned reasons, Applicants respectfully submit that the pending claims (as amended herein) would not have been obvious over the prior art of record. Applicants respectfully request that the Examiner's rejections of claims 4-8, 11-15, and 20-22 under 35 U.S.C. § 103(a) be withdrawn.

Applicants respectfully submit that all claims pending in the present application are now in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to this application.

Respectfully submitted,

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